UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/558,923	04/26/2000	John Albert Kembel	IMS 05-04	1656

43785   7590   02/24/2009

JAS IP CONSULTING
309 2nd STREET
SUITE 8
LOS ALTOS, CA 94022

EXAMINER
NGUYEN, CHAU T

ART UNIT	PAPER NUMBER
2176	

NOTIFICATION DATE	DELIVERY MODE
02/24/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

admin@jasipc.com

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>02 December 2008</u>.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>51-63</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>51-63</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
       1. ☐ Certified copies of the priority documents have been received.
       2. ☐ Certified copies of the priority documents have been received in Application No. _____.
       3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
          application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail. Date _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/02/2008 has been entered. Claims 51-63 are pending. Claims 1-50 were previously canceled.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 51-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnett et al. (Barnett), US Patent No. 6,369,840 and further in view of Stone et al. (Stone), US Patent No. 6,101,510.

4.   As to independent claim 51, Barnett discloses in a sever system, a method of providing Internet content of a type which is encoded and formatted for display by a web

browser to a user of a computing device (col. 4, lines 61-64: pages are provided for user access and interaction via a browser over the World Wide Web), comprising:

receiving a request from a computing device (Figure 4 and page 8, line 60 – col. 9, line 6: user entering login name and password via HTML page for retrieving user-specific information);

in response to the request, retrieving information comprising (col. 9, lines 2-5: in response to the user entering the information, system 100 retrieves centrally stored user-specific information from database, including user preferences and personalized calendar information):

instructions usable by the computing device to present a frame, with associated controls, specifically designed to display therein said Internet content independent of a web browser program (Figures 5-6, and col. 9, lines 10-59: the user-specific information presenting a frame shown in figure 5, the frame includes navigation bar ("my calendar", "event directory", "what's new") and buttons 503, 504, which are considered as controls, and the navigation bar provides links (Internet content) to other pages in the system 100. In addition, Barnett discloses the user interacts with system 100 can either use a browser application or without use of a browser (col. 7, lines 25-30));

instructions usable by the computing device to present said Internet content independent of a web browser program (Figures 5-6, and col. 9, lines 10-59: the user-specific information presenting a frame shown in figure 5, the frame includes navigation bar ("my calendar", "event directory", "what's new") and buttons 503, 504, which are considered as controls, and the navigation bar provides links (Internet content) to other

pages in the system 100. In addition, Barnett discloses the user interacts with system 100 can either use a browser application or without use of a browser (col. 7, lines 25-30)); and

an address from which said certain Internet content can be retrieved (col. 9, lines 21-27: navigation bar provides links to other pages in the system); and

transmitting the information to the computing device (Figures 5-6 and col. 9, lines 15: the user-specific information is transmitted and displayed to the user).

Barnett suggests that the user interacts with system 100 can either use a browser application or without use of a browser (col. 7, lines 25-30) and this would suggest that the user interacts with the system can display Internet content independent of a web browser program.

To support the examiner's interpretation, Stone discloses a web browser control (software object) allows application program developer to incorporate web browser functionality into application program (Abstract). Stone further discloses in col. 6, lines 1-6 that the web browser control is a software object that encapsulates the functions of a web browser and exposes its functionality through a programming interface. Thus, Stone implies that the programming interface can display web browser's content without using a web browser program.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Stone with Barnett to include the user interacting with the system can display Internet content independent of a web browser

program. Stone suggests that encapsulating the functions of a web browser would allow application to re-use the web browser control.

5.   As to dependent claim 52, Barnett discloses wherein at least a portion of the information further comprises instructions for invoking a first process, resident on said computing device when invoked, the results of which causing a display of said Internet content which is encoded and formatted for display by a web browser program within the frame such that said display is independent of a web browser program (Barnett, Figure 5 shows that when the user click "event directory" from the navigation bar, the results of which being capable of display within the frame shown in Figure 6. Barnett suggests that the user interacts with system 100 can either use a browser application or without use of a browser (col. 7, lines 25-30) and this would suggest that the user interacts with the system can display Internet content independent of a web browser program).

To support the examiner's interpretation, Stone discloses a web browser control (software object) allows application program developer to incorporate web browser functionality into application program (Abstract). Stone further discloses in col. 6, lines 1-6 that the web browser control is a software object that encapsulates the functions of a web browser and exposes its functionality through a programming interface. Thus, Stone implies that the programming interface can display web browser's content without using a web browser program.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Stone with Barnett to include the user interacting with the system can display Internet content independent of a web browser program. Stone suggests that encapsulating the functions of a web browser would allow application to re-use the web browser control and create more than one instance of a web browser control.

6.   As to dependent claim 53, Barnett discloses wherein at least a portion of the information defines a functionality and an appearance of the frame within which said certain web content is caused to be displayed (Figure 5 and col. 9, lines 10-15: a screen shot of a What's New page 306 show a personalized welcome greeting is displayed, and the information displayed in What's New page is taken from the user' individual records in the database, the user's individual records displays a functionality and an appearance of user's specific information).

7.   As to dependent claim 54, Barnett discloses wherein the frame is one of a family of such frames, the family having certain common features and certain unique features, and the information regarding the frame is further limited to those features unique to the frame (Figure 5 and col. 9, lines 2-47: the information (frame) displayed in What's New page is taken from the user's individual records, thus each individual record show different information (frame), each individual record having common features such as

navigation bar and a personalized welcome greeting, and certain unique features such as my calendar).

8.   As to dependent claim 55, Barnett discloses wherein the information further comprises instructions for creating an instance of the common features within and associated with the frame (col. 11, lines 28-35: the user can add individual events to his or her personal calendar).

9.   As to dependent claim 56, Barnett discloses wherein each member of the family of such frames has associated therewith certain functionality, and wherein the information further comprises instructions usable by the computing device to invoke a second process capable of coordinating the functionality of the frames (Figures 5-14 show that the user can click on any event on the navigation bar to invoke different process according to the user's selection, and each process capable of displaying the functionality of the frames).

10.   As to independent claim 57, Barnet discloses in a server system, a method for providing software components for obtaining by and displaying Internet content on a computing device, said Internet content of a type which is encoded and formatted for display by a web browser program, comprising:

receiving a request from a computing device (Figure 4 and page 8, line 60 – col. 9, line 6: user entering login name and password via HTML page for retrieving user-specific information);

in response to the request, retrieving information comprising:

a first computer software component, comprising:

instructions usable by the computing device to display a frame, with associated controls, thereon; and instructions usable by the computing device to display Internet content in said frame independent of a web browser program (Figures 5-6, and col. 9, lines 10-59: the user-specific information presenting a frame shown in figure 5, the frame includes navigation bar ("my calendar", "event directory", "what's new") and buttons 503, 504, which are considered as controls, and the navigation bar provides links (Internet content) to other pages in the system 100. In addition, Barnett discloses the user interacts with system 100 can either use a browser application or without use of a browser (col. 7, lines 25-30));

in response to the request, transmitting the information to the computing device (Figures 5-6 and col. 9, lines 15: the user-specific information is transmitted and displayed to the user).

However, Barnett does not explicitly disclose a second computer software component, separate from the first computer software component, comprising data and instructions defining said frame and associated controls for use by said first computer

software component for generating a display of said frame and associated controls independent of a web browser program; an Internet address at which Internet content for display in said frame is stored; and instructions for retrieving said Internet content for use by said first computer software component for generating a display of said Internet content within said frame independent of a web browser program.

Since Barnett discloses the first software that displays a frame, with associated controls, and displays Internet content in said frame independent of a web browser program, thus, there must be another software (2nd software) that defines the frame and associated controls. To support the examiner's interpretation, Stone discloses a web browser control (software object) allows application program developer to incorporate web browser functionality into application program (Abstract). Stone further discloses in col. 6, lines 1-6 that the web browser control is a software object that encapsulates the functions of a web browser and exposes its functionality through a programming interface. Thus, Stone implies that the programming interface can display web browser's content without using a web browser program. Stone discloses hypertext viewer 46 contained in browser control server 42 (1st software) parses and renders HTML code and displays the document of the HTML code and related graphical content in the frame created by the application 44 (2nd software) (col. 9, lines 37-58). Stone further discloses the application 44 (2nd software) creates the frame and the hypertext viewer from the browser control server 42 (1st software) is invoked to display the current page (col. 9, lines 37-58). Stone further discloses that to navigate to a

specified URL, the application program (2nd software) provides the URL of the document that it wants to retrieve (col. 8, lines 56-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Stone with Barnett to include a second computer software component, separate from the first computer software component, comprising data and instructions defining said frame and associated controls for use by said first computer software component for generating a display of said frame and associated controls independent of a web browser program; an Internet address at which Internet content for display in said frame is stored; and instructions for retrieving said Internet content for use by said first computer software component for generating a display of said Internet content within said frame independent of a web browser program for the purpose of allowing the application program (2nd software) to request any of the services of the browser control.

11.   As to dependent claim 58, Barnett, however, does not explicitly disclose wherein at least a portion of the second computer software component defines a functionality and an appearance of the frame within which said certain web content is caused to be displayed, said functionality and said appearance being unique to said second computer software component.

In the same field of endeavor, Stone discloses a re-useable browser control provides the functionality of a web browser to application program (2nd software), and the browser control is a software object that encapsulates the functions of a web

browser and exposes its functionality through a programming interface (col. 5, line 66 - col. 6, line 6). Stone further discloses the application program (2nd software) asks the browser control server (1st software) to create an instance of the browser control, and each instance of the control has its own data (unique data) such as the URL of the HTML document, and the HTML contained in the document (col. 8, lines 10-55). Stone further discloses the HTML viewer 46 (included in the browser control server) determines the layout and appearance of the document and renders the documents (col. 16, lines 64-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Stone with Barnett to include at least a portion of the second computer software component defines a functionality and an appearance of the frame within which said certain web content is caused to be displayed, said functionality and said appearance being unique to said second computer software component for the purpose of allowing the application program (2nd software) to request any of the services of the browser control.

12.   As to dependent claim 59, Barnett, however, does not explicitly discloses wherein said frame defined by said second computer software component is one of a family of such frames, each element of the family having certain common features and certain unique features within and associated with a frame, and further wherein the data and instructions defining said frame and associated controls provided by said second software component are limited to those features unique to the frame.

Stone discloses the application program (2nd software) supports the presentation of the web browser control on the display of the computer by creating a window for an instance of the control, which displays its output and interacts with the user through a frame (col. 3, lines 39-44). Stone further discloses the browser control's programming interface (frame) is comprises of member functions (also referred to as "method"), properties and events, and the methods include Navigate, GoBack, GoForward, GoHome, GoSEarch, Refresh and Stop (common features) (col. 6, lines 7-50). Stone further discloses each frame of the control has its own data such as the URL of the HTML document, and the HTML contained in the document, and each instance generates its own events (col. 8, lines 24-39).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Stone with Barnett to include said frame defined by said second computer software component is one of a family of such frames, each element of the family having certain common features and certain unique features within and associated with a frame, and further wherein the data and instructions defining said frame and associated controls provided by said second software component are limited to those features unique to the frame. The browser control provides these features in the form of high level requests for browsing service, and the browser control is re-useable so programmers can incorporate this control as often as they want in application programs.

13.   As to dependent claim 60, Barnett discloses wherein the instructions provided by

said first computer software component further comprises instructions for creating an

instance of the common features within and associated with the frame (Figure 5 and col.

9, lines 2-47, and col. 18, line 37 – col. 19, line 8: the information (frame) displayed in

What's New page is taken from the user's individual records, thus each individual record

show different information (frame), each individual record having common features such

as navigation bar and a personalized welcome greeting, and certain unique features

such as my calendar).

14.   As to dependent claim 61, Barnett discloses wherein each member of the family

of such frames has associated therewith certain functionality, and wherein the

instructions provided by said first computer software component further comprises

instructions usable by the computing device to invoke a process for coordinating the

functionality of various frames displayed by the computing device (col. 19, line 9 – col.

20, line 19: invoking template engine passing it the template file name, template map

and custom template data object. In addition, Stone discloses displaying two different

HTML documents at once by creating two instances of the browser control and then

invoking the navigate method on the interface of each instance of the control (col. 8,

lines 24-39).

15.   As to dependent claim 62, Barnett, however, does not explicitly disclose wherein

said second computer software component is stored on a server forming part of said

server system having a first Internet address, and said Internet address at which said

Internet content for display in said frame is stored in a second Internet address different

than said first Internet address.

Stone discloses the URL (Internet address) provided by the application (2nd

software) refers to an HTML document stored in a remote computer (server) (col. 9,

lines 13-23). Stone further discloses the URL (that was navigated to) can be different

than the URL the browser was told to navigate to (col. 19, lines 23-30).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the teachings of Stone with Barnett to include second

computer software component is stored on a server forming part of said server system

having a first Internet address, and said Internet address at which said Internet content

for display in said frame is stored in a second Internet address different than said first

Internet address for the purpose of redirecting the browser to a different URL.

16.   As to dependent claim 63, Stone discloses wherein said first computer software

component is also stored on said server forming part of said server system having said

first Internet address (Stone discloses the URL (Internet address) provided by the

application (2nd software) refers to an HTML document stored in a remote computer

(server) (col. 9, lines 13-23). Stone further discloses the URL (that was navigated to)

can be different than the URL the browser was told to navigate to (col. 19, lines 23-30)).

Response to Arguments

In the remarks, Applicant argued in substance that

A) "It should be noted that while Barnett et al. states that "other embodiments of the invention, that may operate without use of a browser, are also possible", there is absolutely nothing in Barnett et al. that would teach or suggest to one skill in the art how such operation would be obtained."

In reply to argument A, Barnett suggests that the user interacts with system 100 can either use a browser application or without use of a browser (col. 7, lines 25-30) and this would suggest that the user interacts with the system can display Internet content independent of a web browser program. In addition, In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., how the operation without use of a browser would be obtained) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

B) Barnett and Dang, taken alone or in combination, fail to teach or suggest instructions for presenting, independent of a browser, Internet content of a type which is encoded and formatted for display by a web browser program.

In reply to argument B, Applicant's arguments with respect to claim51 have been considered but are moot in view of the new ground(s) of rejection under Barnett and Stone (new reference).

As mentioned above, Barnett suggests that the user interacts with system 100 can either use a browser application or without use of a browser (col. 7, lines 25-30) and this would suggest that the user interacts with the system can display Internet content independent of a web browser program.

To support the examiner's interpretation, Stone discloses a web browser control (software object) allows application program developer to incorporate web browser functionality into application program (Abstract). Stone further discloses in col. 6, lines 1-6 that the web browser control is a software object that encapsulates the functions of a web browser and exposes its functionality through a programming interface. Thus, Stone implies that the programming interface can display web browser's content without using a web browser program.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau Nguyen whose telephone number is (571) 272-4092. The Examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Doug Hutton, can be reached at (571) 272-4137.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. On July 15, 2005, the Central Facsimile (FAX) Number will change from 703-872-9306 to 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chau Nguyen
Patent Examiner
Art Unit 2176

/DOUG HUTTON/
Supervisory Patent Examiner, Art Unit 2176